

Notice of Allowability

Application No.

09/575,104

Applicant(s)

NISHIMURA ET AL

Examiner

Art Unit

Adam L. Basehoar

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The RCE Filed 03/22/06.
2. ☒ The allowed claim(s) is/are 1,2,4-9 and 11-53.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

REASONS FOR ALLOWANCE AND EXAMINER'S AMENDMENT

1. This action is responsive to communications: The RCE filed 03/22/06.
2. The rejection of claims 1-2, 4-9, 11-19, 21-28, and 30-34 under 35 U.S.C. 103(a) as being unpatentable over Bhukhanwala (US- 5,831,617 11/02/98) in view of Hug et al (US-5,806,078 09/08/98) has been withdrawn as necessitated by Amendment.
3. The rejection of claims 20 and 29 under 35 U.S.C. 103(a) as being unpatentable over Bhukhanwala (US: 5,831,617 11/02/98) in view of Hug et al (US-5,806,078 09/08/98) in further view of Gupta et al (US: 6,546,405 04/08/03) has been withdrawn as necessitated by Amendment.
4. The Specification has been amended by the Examiner, which is discussed below in the Examiner's Amendment section.
5. Claims 1, 2, 4-9, and 11-53 are allowed as necessitated by the RCE and discussed below in the Reasons for Allowance section.

EXAMINER'S AMENDMENT

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The Application has been amended as follows:

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Please place the following between the TITLE OF THE INVENTION section and the BACKGROUND OF THE INVENTION section in the Specification:

CROSS-REFERENCE TO RELATED APPLICATIONS

The present application claims priority from Japanese Applications P11-142518, P11-142520, and P11-142521, all filed on May 21, 1999, the disclosures of which are hereby incorporated by reference herein.

REASONS FOR ALLOWANCE

7. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 1, 8, and 15, none of the references, either singularly or in combination, teach or suggest to a person of ordinary skill in the art at the time of the invention the combination of the claimed features and their corresponding limitations. The examiner notes that while creating versioned electronic labels and displaying them based on timing parameters is not considered itself a novel feature (See Examiner Referenced Prior Art), but in light of the combination of the features of the apparatus and method steps of the independent claims the limitations of claims 1, 8, and 15 are considered novel, and unobvious to a person of ordinary skill in the art at the time the invention was made in view of the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US-2006/0080619	04-2006	Carlson et al.
US-2004/0109025	06-2004	Hullot et al.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Basehoar whose telephone number is (571)-272-4121.

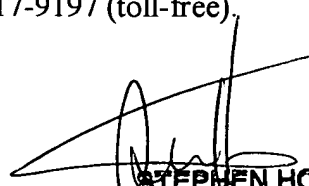
The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB



STEPHEN HONG
SUPERVISORY PATENT EXAMINER